



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Brooks Woolley, Inc.

File: B-231970

Date: September 2, 1988

DIGEST

Protest of specifications as unduly restrictive of competition, filed by a firm whose interest is that of a supplier, is dismissed since protester is not an "interested party" eligible to have its protest considered under the Competition in Contracting Act of 1984 and the General Accounting Office's implementing Bid Protest Regulations.

DECISION

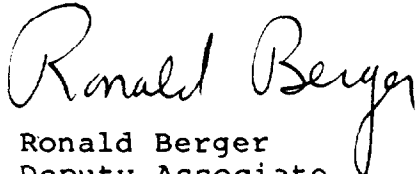
Brooks Woolley, Inc., protests as unduly restrictive of competition the specifications in invitation for bids (IFB) No. 573-028-88, issued by the Veterans Administration (VA) for the replacement of a 980-ton chiller at the VA Medical Center in Gainesville, Florida.

In its comments on the agency's report, Brooks Woolley states that it is "not the primary bidder, but a major equipment supplier." The record shows that the protester did not submit a bid. Under the Competition in Contracting Act of 1984 (CICA), this Office will only decide a protest filed by an "interested party," which CICA defines as an "actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract or by failure to award the contract." 31 U.S.C. § 3551(2) (Supp. IV 1986); Bid Protest Regulations, 4 C.F.R. § 21.0(a) (1988). A prospective subcontractor or supplier does not have the requisite interest to be considered an interested party to protest under CICA since it is not a prospective or actual offeror. Perma-Pipe Div. of Midwesco, Inc., B-230702, Apr. 14, 1988, 88-1 CPD ¶ 368.

043162

Moreover, this protest concerns specifications contained in the IFB and it was filed 2 months after bid opening; it is, therefore, untimely under our regulations which require protests based on alleged improprieties in a solicitation which are apparent prior to bid opening to be filed prior to that time. 4 C.F.R. § 21.2(a)(2).

The protest is dismissed.


Ronald Berger
Deputy Associate
General Counsel